

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

HAROLD DICKERSON, JR.

§

VS.

§

CIVIL ACTION NO. 1:13cv577

ALVIN C. BONFACE, ET AL.

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Harold Dickerson, Jr., an inmate at the Gist Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed as repetitious of another pending action.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

¹ After the report was entered, plaintiff filed a motion to consolidate this lawsuit with his other pending action, *Dickerson v. Zeno*, civil action number 1:13cv168. Plaintiff also asserted that this action is “declared ended through plaintiff’s pursuit.” Since maintaining this action would expose plaintiff to payment of the additional applicable filing fee, plaintiff’s motion to consolidate is interpreted as a motion to dismiss the action. The dismissal is without prejudice.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the **6** day of **January, 2014**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield
United States District Judge